

REMARKS

Reconsideration of the present application is respectfully requested. No claims have been added, canceled, or amended. As such, claims 1-36 and 38-71 remain pending in the present application.

Claims 1 and 17 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,732,077 to Whitehead ("Whitehead"). Claims 1 and 17 recite, in part, that "the timing of the transmission of the second packet is based on data of the first length indicator."

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See* MPEP, §2131. Applicants submit that each and every element as set forth in claims 1 and 17 is not found in Whitehead. It is acknowledged at page 3 of the Office Action that Whitehead does not teach timing of the transmission of the second packet based on the first length indicator.

It is asserted that timing of the transmission of the second packet based on the first length indicator as claimed in the present application is obvious based on Whitehead's teaching of both stations advertising packet identifications during handshake. Applicants respectfully disagree. Whitehead specifically teaches, at col. 3, lines 24-30, that the sending station is allowed to transmit a data packet only when the intended receiving station determines that the data packet can be sent at an *adequate power level* and can still avoid interfering with any *other* packets being communication between *other* pairs of sending and receiving stations. Whitehead therefore teaches transmitting data packets when an adequate power level is assured, not based upon a length indicator.

Furthermore, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *See* MPEP, §2112 IV. Because a length indicator may be present in a handshake does not necessitate that the length indicator is used for the timing of transmission of data

packets. Applicants respectfully submit that claims 1 and 17 distinguish over Whitehead and request that the §102 rejection be withdrawn.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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